



# CITY OF MEMPHIS

## COUNCIL AGENDA

February 23, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (February 9, 2010)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION honoring the Stone Awards event and its positive impact in the community. (Held from 2/9)

Ford

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION honoring Nora Boone, an unsung heroine, for her many outstanding works in the Memphis community.

Fullilove

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS** (None)

**DIVISION OF PLANNING & DEVELOPMENT** (None)

**ZONING ORDINANCE – THIRD AND FINAL READING**

3. ORDINANCE rezoning the northwest corner of North Bellevue and Smith Avenue, containing 0.26(11,325.60 sq. ft.) in the Local Commercial (C-L) District, up for T H I R D and F I N A L reading. (Held from 1/26)

Ford

Ordinance No. 5342  
Case No. Z 09-107

Applicant: Wolf River Site Development, LLC

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**108 NOTICES MAILED ON JANUARY 15, 2010**



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## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

4. **ORDINANCE** amending Chapter 2 Code of Ordinances, City of Memphis, to amend certain sections of 2-291 relating to Real Property, up for F I R S T reading.

Hedgepeth

Ordinance No. 5346

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE - SECOND READING

5. **REFERENDUM ORDINANCE** amending Article 27, Section 190 of The Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, Pursuant to the Provisions of Article 11, Section 9 of the Constitution of the State of Tennessee Home Rule Amendment so as to require all persons employed by the City of Memphis, to live within Shelby County, Tennessee, up for S E C O N D reading.

Strickland

Ordinance No. 5345

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING (None)

### ENGINEERING

6. **RESOLUTION** approving final plat of KIRBY GATE NORTHWEST PD, AREA 'A', PHASE I.

Case No. PD 07-331

Contract No. CR-5153

Resolution approves the final plat located on the eastside of Quince Road, north of Kirby Gate Blvd. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION accepting RIDGEWAY CENTER EAST PD, PHASE 4, and authorizing release of bond.

Case No. PD 96-366  
(Contract No. CR-5013)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Briarcrest Avenue and Shady Grove Road. The standard improvement contract was approved on June 6, 2006. Resolution also authorizes the release of the letter of credit in the amount of \$128,600.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION accepting RIDGEWAY CENTER EAST PD, PHASE 6, and authorizing release of bond.

Case No. PD 96-366  
(Contract No. CR-5014)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Shady Grove Road, south of Briarcrest Avenue. The standard improvement contract was approved on June 6, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$145,900.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

9. RESOLUTION designating March 2010 as National Disability Awareness Month.  
Collins

ACTION REQUESTED: Adopt the resolution

**NOTATION FROM OPD** (None)

**NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE:**



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### MLGW FISCAL CONSENT

10. RESOLUTION awarding Contract No. 11351, Title Flexible Spending Administrator, to Fringe Benefits Management Company in the funded amount of \$75,000.00.
11. RESOLUTION awarding Contract No. 11378, Risk Management Broker, to Marsh in the funded amount of \$550,000.00.
12. RESOLUTION awarding Contract No. 11384, Risk Management/Insurance Consultant, to Marsh in the funded amount of \$140,500.00.
13. RESOLUTION approving Change No. 3 to Contract No. 11261, Commercial Auto Insurance, with Pete Mitchell & Associates, Inc. in the funded amount of \$93,017.00. (This change renews the contract for the second of four renewal terms, March 14, 2010 to March 13, 2011, with a 3.64% increase due to the increase in the number of insured vehicles from 62 to 68).
14. RESOLUTION awarding Contract No. 11394, Master Trust/Custody Services for the Retirement Fund, to The Northern Trust Company.
15. RESOLUTION awarding Contract No. 11407, Master Trust/Custody Services for the Common Fund, to The Northern Trust Company.
16. RESOLUTION awarding Contract No. 11408, Master Trust/Custody Services for the Other Post Employment Benefits (OPEB) Trust Fund, to The Northern Trust Company.
17. RESOLUTION approving Change No. 1 to Contract No. 11213, Meter Data Management System, with Itron, Inc. in the funded amount of \$15,200.00, for a new contract value of \$490,853.30. (This change covers cost of interfacing new meters with the existing system).
18. RESOLUTION approving contract for ANSI regulators to Tri-State Meter and Regulator in the amount of \$37,885.00.
19. RESOLUTION renewing Purchase Order No. 135584 for the third and final 12-month renewal period, March 10, 2010 through March 9, 2011, with Mercury Instruments, Inc. for electronic volume correcting devices in the amount of \$224,900.00.
20. RESOLUTION awarding contract for network grid isolation switches to Eaton Corporation c/o ACF Associates in the amount of \$425,550.00.

21. RESOLUTION awarding 12-month contract for sodium hexametaphosphate to Shannon Chemical Corp. in the amount of \$563,940.00.
22. RESOLUTION approving exercise of option to extend contract with Tech Plus, Inc. for an additional 12-month period for the rental of wide format copier/plotter/scanner devices in the amount of \$111,512.00.
23. RESOLUTION approving payment of annual pipeline safety inspection fee to Tennessee Regulatory Authority in the amount of \$78,000.00.
24. RESOLUTION approving payment of 2010 annual membership dues to Tennessee Valley Public Power Association in the amount of \$50,645.26.
25. RESOLUTION approving renewal of Cooperative Agreement No. 5447, Investigation of Water Resources, with the U. S. Department of the Interior Geological Survey for the period January 1, 2010 to September 30, 2010, in the amount of \$57,000.00. (MLGW to provide \$57,000.00 and the U.S. Department of the Interior Geological Survey to provide \$57,000.00).



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## REGULAR AGENDA

### APPOINTMENTS

26.  
Strickland

#### Memphis Area Transit Authority

##### Appointment

Sheila Redick

### GENERAL ORDINANCE -THIRD AND FINAL READING

27. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, extending the Franchise Ordinance as amended, up for T H I R D and F I N A L reading. (Held from 12/1; 12/15;1/26)

Boyd

Ordinance No. 5331

ACTION REQUESTED: Take whatever action Council deems advisable

28. **ORDINANCE** to amend the Code of Ethics Ordinance 5206, Chapter 2.5, Article I, Section 2-10-5 (1), up for T H I R D and F I N A L reading.

Strickland &  
Collins

Ordinance No. 5344

ACTION REQUESTED: Take whatever action Council deems advisable

### ENGINEERING DIVISION (None)

### EXECUTIVE DIVISION

29. RESOLUTION accepting grant funds in the amount of Two Million, Four Hundred One Thousand, Two Hundred Forty Two Dollars, Eighty Cents (\$2,401,242.80) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Adult and Administration Funds. Resolution also amends FY 2010 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION accepting grant funds in the amount of One Million, Eight Hundred Eighty Seven Thousand, Nine Hundred Eighteen Dollars, Seventy Five Cents (\$1,887,918.75) from the State of Tennessee Department of Labor and Workforce Development Division of WIA Title One Dislocated Worker and Administration Funds. Resolution also amends FY 2010 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution

**FINANCE & ADMINISTRATION**

31. RESOLUTION appropriating funds in the amount of \$700,000.00 for the Urban Art Commission Gateway Projects.

Flinn

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES**

32. RESOLUTION approving the completion of plans and specifications and taking of bids for Wolf River Greenway Improvements – Phase Three, CIP Project Number PK07012, at an estimated construction cost of \$1,232,000.00 funded by G.O. Bonds – General.

Boyd

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES**

33. RESOLUTION amending the FY2010 Operating Budget by approving acceptance of \$59,775.00 from the State of Tennessee for services provided by the Memphis Sexual Assault Resource Center while the agency was a service department of the City of Memphis, and appropriating said funds in the amount of \$52,000.00.

Ware

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION approving the appropriation of \$60,000.00 for Furniture, Fixtures, & Equipment for the Motor Vehicle Inspection Station, CIP Project Number PS01009, as part of the FY10 Capital Improvement Program funded by Local Other CIP and G.O. Bonds.

Ware

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION approving the appropriation of \$374,500.00 for Information Technology for the Motor Vehicle Inspection Station, CIP Project Number PS01009, as part of the FY10 Capital Improvement Program funded by Local Other CIP and G.O. Bonds.

Ware

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS** (None)

**GENERAL ITEM**

36. RESOLUTION amending FY 2010 Operating Budget by appropriating \$2,000,000.00 (two million dollars) to the MED for a one time emergency grant to ensure this institution continues to operate. (Held from 2/9).

Brown

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

37. RESOLUTION amending the Fiscal Year 2010 Budget to move appropriations between categories, service centers and approved additional funding from reserves as a result of unanticipated circumstances.

Morrison

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION to increase the complement of the appointed positions of Colonels in the Police Division from ten (10) to twelve (12).

Strickland

ACTION REQUESTED: Adopt the resolution

39. **REFERENDUM ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) so as to repeal the procedure staggered terms and to provide for the Election of the Memphis City Council, Office of the Mayor and City Court Clerk, to Four-Year Terms, up for F I R S T reading.

Consent

Ordinance No. 5347

ACTION REQUESTED: Adopt the ordinance on First reading

40. RECOGNITION of “How Sweet the Sounds” Sponsors and Winners.

Ware

**ACTION TAKEN BY COUNCIL ON THIS DATE**

- 1. and 2 – Approved
- 3. Held to March 23, 2010
- 4. Through 26 – Approved
- 27. Held to March 23, 2010
- 28. Through 35 – Approved
- 36. Held to April 13, 2010
- 37. Approved, as amended
- 38. Through 40 – Approved

**ACTION TAKEN ON THE MINUTES OF FEBRUARY 9, 2010**

Approved

**ACTION TAKEN ON THE MINUTES OF FEBRUARY 23, 2010 FOR ITEMS 29, 30 37  
AND 38 ONLY**

Approved. Set up as Special Item #2